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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re )  
 )  
JERRY SZOKA ) CIB Docket No. 98-48  
Cleveland, Ohio )  
 )  
Order to Show Cause Why )  
a Cease and Desist Order )  
Should Not Issue )

To: Joseph Chachkin  
Chief Administrative Law Judge

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JUN 19 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

JERRY SZOKA'S MOTION FOR EXTENSION OF TIME  
WITHIN WHICH TO FILE OPPOSITION TO MOTION FOR SUMMARY DECISION

1. Respondent Jerry Szoka, pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, hereby moves for an extension of thirty days in which to file an opposition to the Compliance and Information Bureau's Motion for Summary Decision.

2. This proceeding was commenced by an order to show cause released in April 1998. Szoka, who has insufficient means to retain skilled private counsel, has represented himself *pro se* to this point. Nonetheless, Szoka wished (and still wishes) to assert First Amendment defenses to the action.

3. On June 10, 1998, the Compliance and Information Bureau filed a motion for summary decision. Pursuant to 47 C.F.R. § 1.251(b), the due date for respondent to submit an opposition to the motion for summary decision was June 24, 1998. Jerry Szoka,

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whose home is in Cleveland, did not receive the motion in the mail until several days later.

4. After receiving the motion for summary decision, Szoka retained the Center for Individual Rights ("CIR"), a public interest law firm which has litigated significant First Amendment cases, to represent him in this matter. CIR anticipated that it would need to affiliate with a cooperating attorney well-versed in the Commission's rules in order to effectively represent Szoka. On June 19, 1998, attorney Jim Moody, who has experience practicing before the Commission, agreed to serve as co-counsel for Szoka. Moody, however, is extremely busy with prior engagements, and cannot devote his attention to this case until July 5, 1998.

5. Szoka's attorneys need to take time to familiarize themselves with the record in the case and become better acquainted with the serious legal questions it raises. Moreover, by making it possible for Moody, who has experience practicing before the Commission, to serve as Szoka's attorney, an extension would enable the case proceed more efficiently and expeditiously and make resolution of the issues in this case easier.

6. CIR has contacted Jackie Ellington, the attorney representing the Compliance Bureau in this matter, and sought its consent to the requested adjournment. The Compliance Bureau has refused to consent to the adjournment. Pursuant to Rule 1.46(c), we telephonically apprised the Office of the Administrative Law Judges that we intended to make this motion for an adjournment.

Accordingly, Jerry Szoka respectfully requests that the presiding judge grant a thirty day extension of the time in which to file his opposition to the C.I.B.'s motion for summary decision.

Respectfully submitted,

*Hans Bader*

Hans Bader  
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Center for Individual Rights  
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June 19, 1998

**CERTIFICATE OF SERVICE**

I, Hans Bader, hereby certify that copies of the foregoing JERRY SZOKA'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE OPPOSITION TO MOTION FOR SUMMARY DECISION were served via hand-delivery on this 19th day of June 1998, to the following:

Administrative Law Judge Joseph Chachkin  
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*Hans Bader*

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Hans Bader